



PUBLIC NOTICE

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Released: May 4, 2000

**REQUEST OF MASSACHUSETTS DEPARTMENT OF TELECOMMUNICATIONS
AND ENERGY FOR REVIEW OF COMMON CARRIER BUREAU'S DENIAL OF
BELL ATLANTIC'S REQUEST FOR LATA BOUNDARY MODIFICATION
FOR ERVING, MASSACHUSETTS**

File No. NSD-L-98-116

Pleading Cycle Established

Comments Due: May 24, 2000

Reply Comments Due: June 8, 2000

On March 16, 2000, the Common Carrier Bureau (Bureau) denied a request from Bell Atlantic-Massachusetts, Inc. (Bell Atlantic), pursuant to Section 3(25) of the Communications Act of 1934, as amended, that local access and transport area (LATA) boundaries be modified so that the town of Erving, Massachusetts could be included in a single LATA. *See* Bell Atlantic Petition for Modification of LATA Boundaries, *Memorandum Opinion and Order*, NSD-L-98-116, rel. Mar. 16, 2000 (*Erving LATA Order*).

On April 14, 2000, the Massachusetts Department of Telecommunications and Energy (MDTE) filed an Application for Review of the *Erving LATA Order*. The Commission seeks comment on the MDTE Application for Review.

Background

According to the record in this proceeding, Erving falls within two LATAs. Erving also is served by two different area codes and two different local exchange (NXX) codes. Erving residents currently have two-way local calling across the LATA boundary. In a petition to the MDTE, the town of Erving requested that it be unified entirely in the 413 area code and be assigned one NXX code that would be identified with Erving. According to MDTE, Erving's petition listed the following reasons for its efforts to be unified under the 413 area code: (1) a desire to be recognized as part of the western Massachusetts LATA; (2) whole or partial omission from maps and potential grant programs due to confusion by public and private institutions; (3) and to avoid receiving inaccurate directory assistance information. *See* Bell Atlantic Petition, attachment of MDTE Order at 2. Similarly, MDTE stated that Erving desires a municipally-distinct NXX code because: (1) it wants to prevent misdirected 911 responses; (2) it wants to prevent future corruption of Bell Atlantic's 911 address database; (3) it seeks to crystallize and support a sense of community; and (4) a distinct NXX code is the desire of the residents. *Id* at 3.

In its analysis and findings, MDTE found that Erving had demonstrated that “the continuing division of the municipality by a LATA boundary has created significant problems” concerning directory assistance, omission from maps, potential loss of state and federal education money for Erving’s residents. MDTE concluded that Bell Atlantic’s current service was “inadequate” and directed it to seek a “re-alignment” of the LATA boundary. Specifically, MDTE directed Bell Atlantic to petition the FCC for a LATA modification.

In its petition to the Commission, Bell Atlantic requested a LATA boundary modification, asking that the LATA boundary be moved so that the residents in the town of Erving could all be included in the 413 area code. A transcript of a meeting between Bell Atlantic and Erving residents and correspondence between MDTE and Bell Atlantic was also included in the Bell Atlantic submissions to the Commission.

In the *Erving LATA Order*, the Bureau noted that the Commission has broad authority to modify LATA boundaries, but that it should do so where problems or difficulties would be resolved by modification of the LATA, or where the public interest would otherwise be served. *Erving LATA Order* at para. 10. The Bureau concluded that none of Erving’s difficulties result from the location of the LATA boundary. *Id.* The Bureau concluded that Erving’s problems have more to do with Erving being served by two distinct NXX codes and area codes than they do with the location of the LATA boundary. *Id.* The Bureau concluded that directory assistance misidentification of certain Erving residents is exacerbated by the area code and NXX code identification, not the LATA. *Id.* The Bureau also concluded that 911 is address-driven rather than LATA-driven; that community identity in the form of an area code unique to Erving has no relation to the location of a LATA boundary; and that inaccurate directory assistance services and postal services are not inaccurate because of the location of the LATA boundary. *Id.* at para. 11.

The Bureau also expressed concern that approval of Bell Atlantic’s LATA modification request could invite numerous other communities to file petitions seeking LATA relief for problems neither created by nor capable of being resolved by changes in the LATA boundary. *Id.*

On April 14, 2000, MDTE filed an Application for Review of the Bureau’s decision. MDTE states that: the Bureau decision “effectively overrules” MDTE’s decision; that the LATA boundary has created significant problems and results in inadequate service to Erving residents; that the Bureau revealed no basis for second-guessing MDTE; that the Bureau failed to identify any harm that would be done to any individual or carrier by granting the LATA modification; that the Bureau’s concern regarding receiving similar requests is no basis for denial; that MDTE’s determinations were not accorded proper weight; and, finally, that no parties filed comments objecting to the petition. MDTE Application for Review at 2-6.

Discussion

We seek comment on MDTE’s application for review. We ask that interested parties comment on what the competitive implications are of re-drawing current LATA boundaries where two-way, flat-rated local calling service is in place; whether community identity alone is sufficient reason to redraw a LATA boundary; whether the location of a LATA boundary has any relevance

to and can affect the delivery of 911 and directory assistance services and, if so, how. We seek comment on whether area code considerations are affected by LATA boundaries and, if so, whether such considerations are sufficient reason to redraw a LATA boundary. We note that in the Deployment of Wireline Services Offering Advanced Telecommunications Capability, Request by Bell Atlantic-West Virginia for Interim Relief Under Section 706, or, in the Alternative, a LATA Boundary Modification, CC Docket No. 98-147, *Fourth Report & Order & Memorandum Opinion & Order*, FCC 00-26 (rel. Feb. 11, 2000), we adopted a two-part test for determining whether we may grant LATA boundary modifications. We thus seek comment on the application of the two-part test to Bell Atlantic's petition. Parties are also asked to address other questions they deem relevant to MDTE's application for review.

Interested parties may file comments concerning this matter on or before **May 24, 2000** and reply comments on or before **June 8, 2000**. All filings must reference **File No. NSD-L-98-116** and should be sent to Magalie Roman Salas, Secretary, Federal Communications Commission, TW-A325, 445 12th Street, S.W., Washington, D.C. 20554. Two copies should also be sent to Al McCloud, Network Services Division, 445 12th Street, S.W., Suite 6-A207, Washington, D.C., 20554. Copies of documents filed with the Commission may be obtained from the International Transcription Service (ITS), 445 12th Street, S.W., Suite CY-B400, Washington, D.C. 20554, (202) 314-3070. Documents are also available for review and copying at the FCC Reference Room, 445 12th Street, S.W., CY-A257, Washington, D.C., (202) 418-0270.

For further information contact Alan Thomas or Al McCloud of the Common Carrier Bureau, Network Services Division, at (202) 418-2320, TTY (202) 418-0484.

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